



UNITED STATES
ENVIRONMENTAL
PROTECTION AGENCY

REGION 8
999 18th STREET - SUITE 300

September 28, 2004

Ref: 8ENF-W

CERTIFIED LETTER 7003-2260-0001-7777-9563
RETURN RECEIPT REQUESTED

Albany County Commissioners
c/o Tim Chestnut, Chair
Albany County Courthouse
Room 210
Laramie, WY 82071

Re: Notice of Safe Drinking Water
Act Enforcement Action against
Snowy Mountain Lodge
PWS #5601470

Dear County Commissioners:

Pursuant to Section 1414(a)(2)(B) of the 1996 amendments to the Safe Drinking Water Act (SDWA), the Environmental Protection Agency (EPA) is required to notify an appropriate locally elected official of any action taken in a State that does not have primary enforcement authority for public water systems. The State of Wyoming does not have primary enforcement authority for public water systems under the SDWA.

An Administrative Order is being issued under Section 1414 of the SDWA to the Snowy Mountain Lodge, Centennial, Wyoming. This Order requires that this public water system take measures to return to compliance with the SDWA and the National Primary Drinking Water Regulations. The public water system is in violation of 40 C.F.R. §§ 141.21(a), 141.23(d), 141.201, 141.21(g)(2), 141.31(b) for: failure to perform routine monitoring for total coliform bacteria; failure to perform routine monitoring for nitrate; failure to provide public notice; and failure to report total coliform and NPDWR monitoring violations to EPA.

A copy of the Order is enclosed for your information. The Order does not require any response or action by the County



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Commission. If you have any questions regarding this Order,
please contact Gina Andrews at (303) 312-6688.

Sincerely,

SIGNED

Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosure (Order)



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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

IN THE MATTER OF)	
)	
Snowy Mountain Lodge, LLC)	
Centennial, Wyoming)	
)	
Respondent)	
)	ADMINISTRATIVE ORDER
Proceedings under Section 1414(g))	
of the Safe Drinking Water Act,)	
42 U.S.C. § 300g-3(g))	Docket No. SDWA-08-2004-0055
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The following Findings are made and Order issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency (EPA) by Section 1414(g) of the Safe Drinking Water Act (the Act), 42 U.S.C. § 300g-3(g), and its implementing regulations, as properly delegated to the undersigned Supervisors of the Technical and Legal Enforcement Programs of the Office of Enforcement, Compliance and Environmental Justice, EPA Region 8.

FINDINGS

1. Snowy Mountain Lodge, LLC (Respondent), is a corporation and a "person" within the meaning of 40 C.F.R. § 141.2.
2. Respondent owns and/or operates a system, the Snowy Mountain Lodge Water System, located in Albany County, Wyoming, for the provision to the public of piped water for human consumption.
3. Snowy Mountain Lodge Water System has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60



days out of the year and is therefore a "public water system" within the meaning of Section 1401(4) of the Act, 42 U.S.C. § 300f(4), and a "non-community water system" within the meaning of 40 C.F.R. § 141.2.

4. Respondent owns and/or operates a public water system and is therefore a "supplier of water" within the meaning of Section 1401(5) of the Act, 42 U.S.C. § 300f(5) and 40 C.F.R. § 141.2. Respondent is therefore subject to the requirements of Part B of the Act, 42 U.S.C. § 300g, and its implementing regulations, 40 C.F.R. Part 141.
5. According to an October 2000 sanitary survey by an agent for EPA and subsequent site visits by that agent, Respondent operates a system that is supplied solely by a groundwater source consisting of two wells operating since 2001 (Wells #1 and #2), and serves at maximum 300 persons per day through 7 service connections.

FINDINGS OF VIOLATION

I.

1. 40 C.F.R. § 141.21(a) requires non-community public water systems with an average daily population of less than 1,001 with a ground water source to monitor the water served to the public at least once per quarter to determine compliance with the Maximum Contaminant Level (MCL) for total coliform bacteria as stated in 40 C.F.R. § 141.63.
2. Respondent failed to monitor their public water supply for contamination by total coliform bacteria during the 3rd Quarter (July - September) 2000,



1st Quarter (January - March) 2001, 2nd Quarter (April - June) 2002, 4th (October - December) Quarter 2003, and 2nd Quarter 2004, in violation of 40 C.F.R. § 141.21(a).

II.

1. 40 C.F.R. § 141.23(d) requires public water systems to monitor annually for nitrate to determine compliance with the nitrate MCL as stated in 40 C.F.R. § 141.62.
2. Respondent last monitored both sampling points for nitrate in February 2004 but failed to monitor both sampling points "SP01" and "SP02", associated with Well #2 and Well #1 respectively, in 2001, in violation of 40 C.F.R. § 141.23(d). Respondent also failed to monitor sampling point "SP01" associated with Well #2 in 2003, in violation of 40 C.F.R. § 141.23(d).

III.

1. 40 C.F.R. § 141.201 requires owners and/or operators of public water systems to notify the public of any violations of the national primary drinking water regulations ("NPDWR"), including violations of the maximum contaminant level ("MCL"), maximum residual disinfection level ("MRDL"), treatment technique (TT), monitoring requirements, and testing procedures set forth in 40 C.F.R. Part 141.
2. Respondent has not provided public notice of the noncompliance detailed in the preceding Sections I and II, in violation of 40 C.F.R. § 141.201.



IV.

1. 40 C.F.R. § 141.21(g) (2) requires public water systems that have failed to comply with a coliform monitoring requirement under 40 C.F.R. § 141.21 to report the violation to EPA within ten days after the system discovers the violation.
2. Respondent failed to report to EPA the instances of noncompliance detailed in Section I above, in violation of 40 C.F.R. § 141.21(g) (2) .

V.

1. 40 C.F.R. § 141.31(b) requires public water systems to report any failure to comply with any National Primary Drinking Water Regulation (40 C.F.R. Part 141) to EPA within 48 hours.
2. Respondent failed to report to EPA the instances of noncompliance detailed in Section II above, in violation of 40 C.F.R. § 141.31(b).

ORDER

Based on the foregoing Findings, and pursuant to Section 1414(g) of the Act, IT IS ORDERED:

1. Upon the effective date of this Order, Respondent shall comply with the requirement of 40 C.F.R. § 141.21(a) to perform quarterly bacteriological monitoring. Respondent shall comply with the MCLs as stated in 40 C.F.R. § 141.63. Respondent shall report analytical results to EPA within



the first 10 days of the end of the monitoring period, as required by 40 C.F.R. § 141.31(a).

2. Upon the effect date of this Order, Respondent shall comply with the nitrate monitoring requirements as stated in 40 C.F.R. § 141.23(d) to determine compliance with the nitrate MCL appearing at 40 C.F.R. § 141.62(b). The next samples must be collected between January 2005 and December 2005. Respondent shall report analytical results to EPA within the first 10 days following the month in which sample results are received, as required by 40 C.F.R. § 141.31(a).
3. No later than 30 days from the effective date of this Order, Respondent must provide public notice of the violations specified under the Findings of Violation in this Order, to return to compliance with 40 C.F.R. §§ 141.201, 141.204 and 141.205. This notice must be given by any one of the following methods: (1) posting the notice in conspicuous locations throughout the distribution system frequented by persons served by the system; (2) by mail or direct delivery to each customer and service connection; AND (3) any other method reasonably calculated to reach other persons served by the system, if they would not normally be reached by the notice described in (1) and (2), including publication in a local newspaper or newsletter distributed to customers; use of E-mail to notify employees or students; or, delivery of multiple copies in central locations. Upon the effective date of



this Order, Respondent shall comply with the public notification requirements at 40 C.F.R. § 141.201, et seq., following any future NPDWR violation. Respondent shall submit a copy of the public notice to EPA within 10 days of completion of the public notice, as required by 40 C.F.R. § 141.31(d).

4. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.21(g)(2) by reporting any failure to comply with coliform monitoring requirements under 40 C.F.R. § 141.21 to EPA within ten days after the system discovers the violation.
5. Except where a different reporting period is specified in paragraph 4 above, upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.31(b) by reporting any failure to comply with any National Primary Drinking Water Regulation (40 C.F.R. Part 141) to EPA within 48 hours.
6. Reporting requirements specified in this Order shall be provided by certified mail to:

Gina Andrews
U. S. EPA Region 8 (8ENF-W)
999 18th Street, Suite 300
Denver, Colorado 80202-2466

GENERAL PROVISIONS

1. This Order does not constitute a waiver, suspension, or modification of the requirements of 40 C.F.R. § 141.1, et seq., or the Safe Drinking Water Act, which remain in full force and effect. Issuance of this Order is not an



election by EPA to forgo any civil or criminal action otherwise authorized under the Act.

2. Violation of any term of this Order instituted under Section 1414(g)(3)(A), 42 U.S.C. § 300g-3(g)(3)(A), may subject the Respondent to an administrative civil penalty of up to \$27,500 per day of violation under Section 1414(g)(3)(B) of the Act, 42 U.S.C. § 300g-3(g)(3)(B), or a civil penalty of not more than \$32,500 per day of violation assessed by an appropriate U.S. District Court under Section 1414(g)(3)(C) of the Act, 42 U.S.C. § 300g-3(g)(3)(C).
3. Violation of any requirement of the SDWA or its implementing regulations instituted under Section 1414(b), 42 U.S.C. § 300g-3(b), may subject Respondent to a civil penalty of not more than \$27,500 per day of violation assessed by an appropriate U.S. District Court under Section 1414(b) of the Act, 42 U.S.C. § 300g-3(b).



4. The effective date of this Order shall be the date of issuance of this Order.

Issued this 28th day of September, 2004.

David J. Janik

Michael T. Risner, Director
David J. Janik, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement , Compliance
and Environmental Justice

SIGNED

Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement , Compliance
and Environmental Justice

**IF YOU WOULD LIKE COPIES OF THE ATTACHMENTS, PLEASE CONTACT THE
REGIONAL HEARING CLERK.**

**THIS DOCUMENT WAS FILED IN THE RHC'S OFFICE ON September 28,
2004.**



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